

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 John M. Campbell, et al.,

4
5
6 Petitioner,

7 v.

8 San Juan County,

9 Respondent.

CASE NO. 05-2-0022c

**ORDER ON
RECONSIDERATION**

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11 This matter comes to the Board on John Campbell's Motion for Reconsideration
12 and Memorandum in Support Thereof filed with the Board on June 29, 2006 (Petitioner's
13 Motion for Reconsideration). San Juan County has not responded to this motion.
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16 This order denies Petitioner Campbell's Motion for Reconsideration except that the Board
17 directs that specific language be deleted from page 29 of the June 20, 2006 Final Decision
18 and Order, relating to whether certain information presented by Petitioner had been
19 included in the County's record.
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22 **I. ISSUE TO BE DISCUSSED**

23 ***Should the Board reconsider its decision on the following issue: Does the new***
24 ***Eastsound UGA boundary and accompanying development regulations make***
25 ***adequate provision for affordable housing, including adequate developable land***
26 ***supply, in the UGA?***
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II. DISCUSSION OF THE ISSUE

Petitioner's Position

Petitioner Campbell asks the Board to reconsider its June 20, 2006, Final Decision and Order that found the County's compliance actions designating Eastsound UGA and adopting accompanying development regulations did not open a challenge to San Juan County's Comprehensive Plan's Housing Element and did not violate RCW 36.70A.020(4) the Growth Management Act's (GMA) housing goal. Petitioner asks for reconsideration on the grounds that he did not challenge the Housing Element of San Juan County's comprehensive plan. He says that the issue he raised was San Juan County's failure to implement its Housing Element. His claim is that the County failed to analyze both the extent to which very low and low income populations must be accommodated in the UGA and the extent to which the market and the UGA met that need. He cites several Housing Element goals that the Eastsound UGA does not implement. Petitioner's Motion at 2. He also contends that the Board's May 7, 2001 order recognized that the Eastsound and Lopez Island UGAs were the County's most promising locations for providing affordable housing.

Ibid at 2

Petitioner also says the Board was mistaken when it stated in the June 20, 2006 order that no evidence exists in the record that Petitioner presented the information on which he relies to the County during the adoption process. Petitioner notes that the January 10, 2006 Prehearing Order¹ allowed both written testimony and written comments, as well as all the 2005 minutes of the Eastsound Planning Advisory Committee, to be added to the Index. Petitioner asks that the Board reconsider its decision that no evidence before the Board shows that Petitioner presented the same information to the County that he presented to the Western Washington Growth Management Hearings Board. *Ibid* at 3.

¹ The January 10, 2006 Prehearing Order was issued for *Fred Klein v. San Juan County*, WWGMHB Case No. 05-2-0022. This case was later consolidated with *John Campbell v. San Juan County*, WWGMHB Case No. 05-2-0022, and is now part of *John Campbell, et al. v. San Juan County*, WWGMHB Case No. 05-2-0022c.

1 Board Discussion

2 **A. Evidence in the Record Regarding Petitioner's Position**

3 The evidence in a case must be presented to the Board in the form of an exhibit. See
4 Prehearing Order and WAC 242-02-52001. Petitioner failed to present evidence supporting
5 his position that he had raised his claims to the County in the adoption process by attaching
6 an exhibit to that effect to his brief. Nevertheless, the County does not contend that
7 Petitioner failed to raise his analysis in the adoption proceedings below. Therefore, the
8 Board agrees to amend its decision on page 29 of the June 20, 2006 Final Decision and
9 Order to delete the statement that there was no evidence in the record that Petitioner's
10 analysis had been presented to the County below. The following will be deleted from the
11 June 20, 2006 Final Decision and Order:
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13 We can find no evidence in the record that Petitioner presented his scenario to the
14 County decision-makers for their consideration during the adoption process. Without
15 evidence in the record that the County was apprised of the argument which Petitioner
16 now seeks to raise, the Board will not consider it.
17 Final Decision and Order, (June 20, 2006) at 29.

18 **B. Eastsound UGA Designation and Accompanying Development Regulations**
19 **Compliance with the GMA**
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21 On review of the Board's June 20, 2006, Final Decision and Order and the Petitioner's
22 January 6, 2006 and February 10, 2006, briefs, and on careful consideration of the
23 Petitioner's June 29, 2006, motion for reconsideration, the Board denies all other aspects of
24 Petitioner's motion for reconsideration. The Board finds that Petitioner has failed to
25 establish that the Board should reconsider its decision that the new Eastsound UGA
26 boundary and accompanying development regulations are compliant with GMA
27 requirements and goals with regard to affordable housing, including adequate developable
28 land supply, in the UGA.
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